

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

October 21, 1999

**IN RE:**

**TENNESSEE REGULATORY AUTHORITY STAFF  
COMPLAINT AGAINST P.V. TEL OF TENNESSEE, L.L.C.**

**DOCKET NO. 99-00247**

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**ORDER APPROVING SETTLEMENT AGREEMENT**

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This matter came before the Tennessee Regulatory Authority ("Authority" or "TRA") at a regularly scheduled Authority Conference held on April 20, 1999, for consideration of the Settlement Agreement, attached hereto as Exhibit A, filed jointly by P. V. Tel of Tennessee, L.L.C. ("P. V. Tel") and the Consumer Services Division of the TRA ("CSD"). Upon careful consideration of the entire record, including all applicable laws and statutes, the Directors concluded that the Settlement Agreement should be approved based upon the following findings of fact:

On February 1, 1999, the CSD received a complaint from a customer of P. V. Tel alleging that P. V. Tel had switched its long distance service without permission. Based on that complaint, the CSD opened an investigation of P. V. Tel. In response to that investigation, P. V. Tel asserted that the customer had authorized an agent of P. V. Tel to transfer the customer's service to a carrier selected by the agent. Notwithstanding this assertion P.V. Tel agreed to and did transfer the customer's service to a carrier of the customer's choice at no cost to the customer. The complainant advised the CSD that all problems relating to this incident have been resolved to the complainant's satisfaction.

Pursuant to the terms and conditions of the Settlement Agreement, P.V. Tel agreed to send written notice, as evidenced by Exhibit 1 to the Settlement Agreement, to each of its customers in Tennessee, informing each customer that P.V. Tel is his/her long distance service provider, and that the customer may select another provider at any time. This notice shall further inform the customer

**FILE**

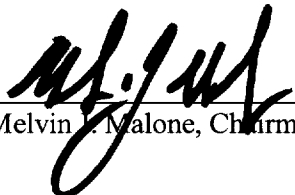
that any complaints about such telephone service may be reported to the Consumer Services Division of the Tennessee Regulatory Authority. P.V. Tel will also provide to the CSD copies of any written complaints that it has received within thirty (30) days after the above-described notice is mailed.

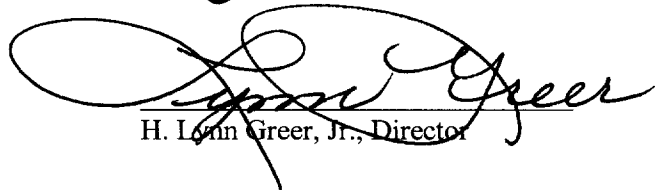
In addition, P.V. Tel agreed to pay \$5,000 to the public utility account of the TRA, \$3,000 of which would be due and payable on April 20, 1999, the date this Settlement Agreement was approved, and the balance of \$2,000 due and payable six (6) months from that date. Provided all monies due pursuant to the Settlement Agreement have been timely paid and that the CSD has no probable cause to believe that any similar incidents have occurred during the twelve (12) months preceding the date of the final payment, the CSD will dismiss the complaint against P.V. Tel and close this investigation.

**IT IS THEREFORE ORDERED THAT:**

1. The Settlement Agreement, attached as Exhibit A, is accepted and approved and incorporated into this Order as if fully rewritten herein.


2. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

  
Melvin J. Malone, Chairman

  
H. Lynn Greer, Jr., Director

  
Sara Kyle, Director

ATTEST:

  
K. David Waddell, Executive Secretary

### **Settlement Agreement**

The purpose of this document is to memorialize a settlement agreement between P. V. Tel of Tennessee, LLC ("P.V.Tel") and the Consumer Services Division of the Tennessee Regulatory Authority ("Staff").

The Staff received a written complaint from a customer of P.V.Tel which alleged that the customer's long distance telephone service was transferred to P.V.Tel without the customer's knowledge or consent. Based on that complaint, the Staff opened an investigation of P.V.Tel.

In response to that investigation, P.V.Tel asserted that the customer had authorized an agent of P.V.Tel to transfer the customer's service to a carrier selected by the agent. Although certain facts are in dispute, P.V.Tel has subsequently transferred the customer's service to a carrier of the customer's choice at no cost to the customer. The customer has informed the Staff that the customer is satisfied with this result.

So as to expeditiously resolve this complaint, P.V.Tel and the Staff have agreed to the following settlement:

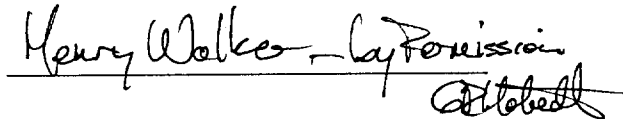
- a. P.V.Tel will send written notice (see attached Exhibit 1) to each of its customers in Tennessee, informing each customer that P.V.Tel is his/her long distance service provider, and that the customer may select another provider at any time. This notice shall further inform the customer that any complaints about such telephone service may be reported to the Consumer Services Division of the Tennessee Regulatory Authority.
- b. P.V.Tel will timely provide to the Staff copies of any written complaints that it has received within thirty (30) days after the above described notice is mailed.



c. The Staff will dismiss this complaint and close this investigation at the conclusion of six months from the date this settlement agreement is approved by the Tennessee Regulatory Authority ("TRA"), provided that the Staff has no probable cause to believe that any similar incidents have occurred during the preceding twelve (12) months, and provided further that all money due pursuant to this agreement has been timely paid.

d. For settlement purposes only, P.V.Tel will pay \$5,000 to the public utility account of the TRA. Of that amount, \$3,000 shall be due and payable on the date this settlement agreement is approved by the TRA, and the balance of \$2,000 shall be due and payable six months from such date.

Agreed to on April 13, 1999 by:

Henry Walker - by *Henry Walker*

P.V. Tel of Tennessee, LLC

Eddi Bohm

Consumer Services Division of the TRA

EXHIBIT 1

Thank you for choosing P.V. Tel of Tennessee as your long distance telephone carrier.

We have received your Letter of Authorization authorizing P.V. Tel to be your long distance carrier. The transfer of your service may have been arranged by ComTelco, acting as agent for P.V. Tel. Both ComTelco and P.V. Tel are committed to providing you the highest level of customer service.

If, for any reason, you are not satisfied with the service you have received please notify us at (800)536-1910, ext. 25 and any necessary changes will be made at no charge to you. If you have a complaint about any telecommunications related service, you may also notify the Tennessee Regulatory Authority at (800)342-8359, ext 160.

Thank you again for giving P.V. Tel the opportunity to serve you. We look forward to providing you the best telephone service available.